

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ALASKA

Case No. *A01-118 MJ (TDR)*

I, Derek D. Espeland, Special Agent (SA), Federal Bureau of Investigation, (FBI), Anchorage, Alaska, being duly sworn, state:

1. I am a duly appointed Special Agent (SA) of the FBI, and have been so employed since May 10, 1999, during which time I have been assigned the investigation of criminal matters within the jurisdiction of the FBI. My duties as an FBI Agent include the investigation of crimes under Title 18 and Title 21 of the United States Code. I have participated as case agent on cases involving bank robberies, extortion, fugitives, and drugs.

2. The information contained below is from my personal knowledge and other law enforcement officials. This affidavit is made in support of a complaint charging a violation of Title 18 United States Code, Section 1073, Unlawful Flight to Avoid Prosecution (UFAP) - Murder in the First Degree .

3. On 08/11/1995, Ruben Fernandez, born 03/24/1974, Alaska Identification Number/Operators License 6782814, Social Security Account Number 093-54-5517, Alaska State Trooper's Number 100-987-515, was indicted for Murder in the First Degree in the Superior Court For the State of Alaska, Third Judicial District at Anchorage. The indictment states that on the 20th day of May, 1995, at or near Anchorage, in the Third District, State of Alaska, Ruben Fernandez with intent to cause the death of another person, did cause the death of David P.

Burdette. All of which is an unclassified felony offense being contrary to and in violation of AS 11.41.100 (a)(1)(A) and against the peace and dignity of the State of Alaska.

4. On August 11, 1995, an arrest warrant was issued for Ruben Fernandez for Murder in the First Degree. Bail was set at \$500,000.00, as well as court appointed third party custodian that excludes members of Fernandez' immediate family.

5. According to Anchorage Police Department report number 95-080984 dated May 20, 1995, Amy Arnold told Anchorage Police Detective Joseph Hoffbeck that since "Kevin" (alias for Ruben Fernandez) had left the state after the shooting, referring to the shooting death of Kevin P. Burdette, he had contacted her by telephone. During the telephone call "Kevin" (alias for Ruben Fernandez) allegedly told Arnold that he left the state and it took him about three days to get where he was at. Arnold further explained that she thought "Kevin" (alias for Ruben Fernandez) was in Mexico.

6. According to an Anchorage Police Department (APD) report, case number 95-080984, dated May 22, 1995, APD Detectives Reeder and Brandlen interviewed a walk in complainant who said that he/she had information on the homicide of David P. Burdette. The unnamed source explained that Ruben Fernandez and Jorge Rodriguez left Alaska on Saturday, May 23rd, 1995, and flew to New York State but did not know their exact location. The source stated that Fernandez and Rodriguez were drug dealers and could afford the plane tickets. The source described Fernandez as skinny, six foot two inches tall, with acne and scruffy looking facial hair. The source also stated that Fernandez' parents live in New York State.

7. According to Anchorage Police Department report number 95-080984 dated May 24, 1995, Amy Arnold contacted Anchorage Police Detective Reeder and stated that

"Kevin" (alias for Ruben Fernandez) had called some acquaintances named Julie and Jamie. Arnold explained that she was almost positive that "Kevin" (alias for Ruben Fernandez) was in New York because Fernandez has relatives in New York and frequently visited New York in the past.

8. According to an Anchorage Police Department (APD) report, case number 95-080984, on July 21, 1995, APD Detective Hoffbeck, Rex Butler (attorney, representing Jorge Rodriguez) and Jay Fayette (Assistant District Attorney) telephonically contacted Jorge Rodriguez in the Dominican Republic to question Rodriguez regarding the shooting death of David P. Burdette. Rex Butler verified that it was in fact Jorge Rodriguez on the other end of the telephone by asking him questions that only Jorge Rodriguez would know the answers to. Rodriguez stated that he left town the day of the shooting because he thought people were looking for him to kill him.

9. According to the September 30, 1998 Affidavit of Katherine Eldridge in the Matter of the Dissolution of the Marriage of Katherine Eldridge and Jorge Rodriguez, filed in Superior Court for the State of Alaska, Third Judicial District at Anchorage, Katherine Eldridge stated that her husband, Jorge Rodriquez, was involved in the murder of David P. Burdette with a male named Kevin (alias for Ruben Fernandez) . In the affidavit Eldridge states that Kevin (alias for Reuben Fernandez) just went up to David (Burdette) and shot him in the head and chest approximately six times. Eldridge also states that she knows that Kevin has fled and that no one has paid for the murder of David P. Burdette. According to Eldridge's affidavit, after the Burdette's murder she and Jorge Rodriquez left Alaska with plane tickets purchased by Rodriquez's parents and flew to the Dominican Republic via Boston and New York.

10. Based on the forgoing information, I have probable cause to believe that Ruben Fernandez did flee the State of Alaska in order to avoid prosecution for the First Degree Murder of David P. Burdette in violation Title 18 United States Code Section 1073.

Further your affiant sayeth naught.

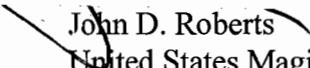


Derek D. Espeland
Special Agent, FBI

Subscribed and sworn to before me this 8th day of June, 2001, at Anchorage,

Alaska.

REDACTED SIGNATURE



John D. Roberts
United States Magistrate Judge